

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:06cr84
vs.	:	1:13cv287
	:	Chief Judge Susan J. Dlott
Shawn McDaniel,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz filed on June 11, 2013 (Doc. 120), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired June 28, 2013, hereby ADOPTS said Report and Recommendation.

Accordingly, the motion to vacate is **GRANTED** and defendant's sentence is vacated. The Defendant will be resentenced under the Fair Sentencing Act.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court